

FILED
U.S. DISTRICT COURT

2009 APR -9 P 1:57

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

KERRY B. MATERN,

Plaintiff,

vs.

MICHAEL ASTRUE, Commissioner of
Social Security,

Defendant.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:06-CV-695

District Judge Dee Benson

Before the Court is the Report and Recommendation issued by United States Magistrate Judge David Nuffer on January 27, 2009, recommending that the Commissioner's decision be reversed and that this case be remanded to the ALJ for additional proceedings.

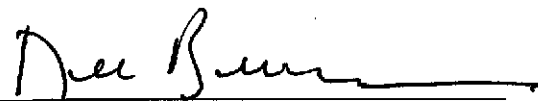
The parties were notified of their right to file objections to the Report and Recommendation within ten (10) days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation and

REVERSES the Commissioner's decision. The case is remanded to the ALJ for additional proceedings.

IT IS SO ORDERED.

Dated this 3rd day of April, 2009.

A handwritten signature in black ink, appearing to read "Dee Benson", written over a horizontal line.

Dee Benson
United States District Judge